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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 KEITH R GOMEZ,
10 Petitioner,

11 v.
12 STATE OF WASHINGTON.

13 Respondent.

9 CASE NO. C13-5980 RBL-JRC

10 ORDER

11 The Court having reviewed the Report and Recommendation of the Hon. J. Richard
12 Creatura, objections to the Report and Recommendation, if any, and the remaining record, does
13 hereby find and Order:

- 14 (1) The Court adopts the Report and Recommendation;
- 15 (2) The Court dismisses this action prior to service because 28 U.S.C. § 1361
16 does not give the Court jurisdiction over state actors. The Court lacks
17 jurisdiction to order the Washington State Supreme Court Clerk of Court
18 to file a document as a motion for discretionary review.

19 DATED this 17th day of January, 2014.

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23 RONALD B. LEIGHTON

24 UNITED STATES DISTRICT JUDGE